



P R O C E E D I N G S

THE COURTROOM DEPUTY: Criminal Case 21-244, the  
United States v. Jerry Ryals.

Counsel, would you please identify yourself for the  
record, starting with the government.

MR. MCCARTHER: Jeffrey McCarther on behalf of the  
United States, Your Honor.

MR. MYKYTIUK: And Jay Mykytiuk for Mr. Ryals.

THE COURT: All right. Let me just put on the record  
that Mr. McCarther is on Zoom, which we had all agreed to,  
since he's in Kansas; that he wouldn't need to come here.

Is it Jerry Ryals? Am I pronouncing that correctly or  
not?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. All right. We're here for a  
sentencing. Mr. Ryals entered a plea to Count 1, civil  
disorder, which is a felony. The statutory maximum is  
five years in jail, a fine of \$250,000. He has agreed to  
restitution in the amount of \$2,000.

He is compliant with his pretrial conditions.

I have a presentence report, a government sentencing  
memorandum, the defendant's position on sentencing, 12 letters  
that were written and provided to the Court in support of  
Mr. Ryals, a video supplied by the government, and also a 302  
note from the FBI regarding an interview that they held with

1 Mr. Ryals.

2 The -- I assume there's nothing else that has been  
3 provided that I should have been looking at. Everybody is  
4 shaking their head no. So I'm assuming that's correct.

5 Is that correct, Mr. McCarther?

6 MR. MCCARTHER: Yes, Your Honor.

7 THE COURT: Okay. In terms of objections, the  
8 objections that were associated in the presentence report  
9 indicate that the government -- relating to paragraphs 26 and  
10 27, indicated in summary form that an unspecified office space  
11 in the Capitol -- that the government video shows the defendant  
12 using his shoulders to push in a locked office door, and  
13 there's a photo of him in the office. The probation officer,  
14 who wrote the report, indicated that that event that the  
15 government wanted included was not in the statement of offense.  
16 So the -- it was not changed in the report.

17 The other aspect of it was that the government -- that  
18 the defendant told the FBI in an interview after the plea on  
19 January 23rd that he denied breaking any doors in the Capitol.  
20 Those were the two statements that are not in the statement of  
21 offense. So the probation officer did not change the  
22 presentence report.

23 The government at that point asked for a variance, and  
24 the probation department indicated that if there was one,  
25 there -- the most would be an adjustment for acceptance of

1 responsibility. Now, in the sentencing memorandum, the  
2 government has agreed to the guideline without a variance and  
3 includes the deduction for the two points for acceptance of  
4 responsibility.

5 So I'm viewing the objections the government raised in  
6 the context of the presentence report, in terms of whether to  
7 change it, as resolved as to the government's objections.

8 Would that be accurate in terms of what would -- what  
9 should be changed in the presentence report?

10 MR. MCCARTHER: That would be accurate, Your Honor,  
11 if the Court determines that Mr. Ryals should not get credit  
12 for acceptance of responsibility. I would note the six-month  
13 request by the government is also part of the guideline that  
14 would be in place if he did not receive acceptance of  
15 responsibility. I believe the guideline would become 6 to  
16 12 months.

17 THE COURT: Okay. I --

18 (Indiscernible simultaneous cross-talk.)

19 MR. MCCARTHER: -- determined 6 months was the  
20 appropriate ask.

21 THE COURT: Okay. I just wanted to make sure that we  
22 didn't need to get into changing the presentence report. It  
23 stays the way it is. The information is outside of the  
24 statement of offense, and you're not asking for a change to the  
25 presentence report, as I understand it.

1 MR. MCCARTHER: Yes, Your Honor.

2 THE COURT: That doesn't mean you can't argue things,  
3 but it --

4 All right. So based on that, according to the  
5 presentence report and what the probation officer put together  
6 is the offense level, the base offense would be 10; 2 points  
7 for acceptance of responsibility; would be a total offense  
8 level of 8. He has no convictions. So he'd be in Criminal  
9 History Category I.

10 And so an Offense Level 8, Criminal History Category I,  
11 the guideline for custody is zero to six months. Supervised  
12 release is one to three years. Probation is one to five years.  
13 The fine range would be 2,000 to 20,000. He has agreed to  
14 restitution in the amount of 2,000, and there is a special  
15 assessment of a hundred dollars. So as presently written, I  
16 will adopt the presentence report.

17 Since the presentence report is actually undisputed,  
18 based on the government's not requesting for a change within  
19 the presentence report, I would say the objections are  
20 withdrawn, abandoned. I'm accepting all portions of this  
21 undisputed presentence report as findings of fact under  
22 Federal Rule of Criminal Procedure 32(i)(3)(A).

23 So I'll now hear from the government and then defense  
24 counsel and then the defendant, if he wishes to address the  
25 Court.

1 All right. So --

2 MR. MCCARTHER: Thank you, Your Honor.

3 I won't belabor the points made in the government's  
4 sentencing memo, but on January 6th, 2021, Mr. Ryals came to  
5 the U.S. Capitol with one goal in mind, and that was to disrupt  
6 the certification of the 2020 presidential election for no  
7 other reason than he wanted the other candidate to have won.  
8 Mr. Ryals committed himself so ardently to this cause that he  
9 found himself illegally trespassing on the grounds of the  
10 U.S. Capitol with the mob, marching up the stairs against tear  
11 gas, surrounded by skirmishes amongst the mob with the Capitol  
12 Police.

13 Walking into the Capitol with shards of broken glass  
14 from doors and windows despite calls from law enforcement for  
15 him to leave. Mr. Ryals's belief found himself lowering his  
16 shoulder to break down the office door previously referenced.  
17 What we can't be certain of is what or whom he may have been  
18 looking for and what he intended to do if he found them.

19 Mr. Ryals was sure to take and post photos, however,  
20 while inside that unspecified office space. He left, came back  
21 in the Capitol, left and came back in yet again. During his  
22 time inside the Capitol, he traveled to various areas and  
23 participated in chants of "USA. USA." In the wake of this  
24 riot, the next day, Mr. Ryals claimed on a Facebook post that  
25 things in America were heading towards a new revolutionary war

1 and that himself and the others participating in the riot were  
2 patriots.

3 When considering the 3553 factors, several stand out;  
4 the first being the nature and circumstances of this offense,  
5 and that includes, of course, the breaking down of a locked  
6 door by Mr. Ryals.

7 The second 3553 factor that stands out is the  
8 seriousness of this offense and why the sentence must reflect  
9 the seriousness of the offense for which Mr. Ryals  
10 participated; that is, committing himself to a riot that  
11 included the destruction of property and various other offenses  
12 committed that day.

13 The third is deterrence. Without question, there are  
14 going to be numerous election results in the future that many,  
15 including Mr. Ryals, are going to disagree with. The sentence  
16 should deter not only Mr. Ryals but others from taking similar  
17 actions as those actions taken on January 6th, 2021.

18 For all of those reasons, and in conjunction with the  
19 government's sentencing memo, the United States is recommending  
20 a top of the guideline sentence at six months' incarceration,  
21 three years of supervised release, and \$2,000 in restitution.

22 Thank you, Your Honor.

23 THE COURT: All right. Defense counsel.

24 MR. MYKYTIUK: Thank you, Your Honor.

25 It is tempting for defense attorneys in these cases --

1           THE COURT: Can I ask you to move closer to -- the  
2 microphone, you have to talk right into the head in order to  
3 get the full volume.

4           MR. MYKYTIUK: Yes, Your Honor.

5           It's tempting for defense attorneys in these cases,  
6 and -- and present company included, to throw a lot of the  
7 blame on the events of January 6th to our elected officials.  
8 Not just the elected officials, but the mouthpieces and the  
9 media that -- that echoed this insistence that the election --  
10 2020 election had been stolen by the Democrats. This certainly  
11 happened. President Trump certainly -- and I think anybody  
12 who's paid any attention knows that he -- he's stated this over  
13 and over again and continues to say it over and over again.

14           And at the time after the election, you couldn't -- you  
15 couldn't turn on a television set without hearing this echoed.  
16 So it's tempting to -- to want to blame these demagogues for  
17 the actions of the people that did come to the Capitol and  
18 breach the Capitol on January 6th. And even in my sentencing  
19 memo, I certainly lay some foundation there. But the truth is,  
20 while they may have lit the match, the fire was certainly  
21 stoked by the people that showed up to the Capitol on that day.

22           And Mr. Ryals, when I showed him an initial draft of my  
23 sentencing memo, he asked me to change it because he didn't  
24 place all of the blame on -- on everyone who was making this  
25 claim. He didn't want to use them as a scapegoat because he



1 wanted to take responsibility for his own actions, and he  
2 certainly does on that day. I also understand that we all have  
3 free will and everyone who did come to the Capitol on that day  
4 did so whether or not they were encouraged to by others. They  
5 did so because that's what they chose to do.

6 Now, I probably, to be honest with you, do not agree  
7 with Mr. Ryals on -- on many things that have to do with  
8 politics. Maybe nothing. But in the time -- in the two years  
9 that this case has been pending, I have gotten to know  
10 Mr. Ryals. And if we -- if I didn't know what he had done and  
11 if I didn't know what his political views were, I would have  
12 been very surprised that Mr. Ryals found himself ever facing  
13 sentencing in a federal court.

14 I submitted with my sentencing memos 12 letters from  
15 friends and family, and the theme is -- is the same. He's a  
16 kind and generous man who has been -- who has contributed to --  
17 to his family, who has contributed to his community. And it is  
18 difficult to reconcile, and I'm sure in other cases -- in the  
19 800-plus other cases that have -- have come here, it's tough to  
20 reconcile some of the defendants' action --

21 THE COURT: Excuse me a minute.

22 You need to put a mask on.

23 Go ahead.

24 MR. MYKYTIUK: -- with -- with who they are.

25 And I think Mr. Ryals is -- is a perfect example of

1       that.

2               There are three -- in my mind, there are three groups of  
3       defendants that showed up to the Capitol on January 6th. There  
4       are -- I think that -- that time has borne out that there  
5       certainly was an organized effort by some groups to come to the  
6       Capitol to -- to disrupt the count, to take the Capitol by  
7       force. They were dressed in riot gear. Some of them came  
8       armed. They were prepared for a riot, for an overthrow. That  
9       is one group.

10              There is another group that while there went with the  
11      mob, and they had no limits on their behavior, no restraints,  
12      and they -- they exercised violence against Capitol Police,  
13      and -- and other -- other people that were there to prevent the  
14      Capitol from being taken.

15              And then I believe there is a third group of defendants,  
16      who Mr. Ryals falls in. A group that was there to see a  
17      speech, that did not travel to the Capitol to disrupt any  
18      count, but was angry and did believe that something untoward  
19      had happened in that election; came to the Capitol to hear the  
20      speech and then followed the mob and -- and participated in  
21      some of the activities but drew lines at being the first people  
22      in the Capitol, pushing against police lines, at -- at --  
23      having violent interactions with the police. And, again, I  
24      think that -- that is Mr. Ryals.

25              That being said, this is troubling, and -- and that day

1 is going to be troubling on many levels and will be written  
2 about and talked about throughout this nation's history for as  
3 long as it lasts. And Mr. Ryals, certainly, was part of that,  
4 and he has not gone unscathed even thus far. He is now a felon  
5 conviction -- you know, he is a felon. He has -- he's going to  
6 lose certain cherished rights. He has already lost a job.  
7 These events has caused the estrangement with his wife and  
8 limited the time that he has been able to -- to see his son.  
9 There have been consequences even before we -- we came in here  
10 today.

11 I understand the government talking about deterrence and  
12 preventing this in the future, and I completely agree with  
13 that. But, again, there are three levels of defendants. And  
14 Mr. Ryals, I believe, is -- is in that third level that does  
15 not need active jail time to act as a deterrent.

16 One of the factors that the Court should consider and  
17 must consider is disparity in sentencing. And I think that  
18 there -- for this particular charge, there is more of a limited  
19 sample size than -- than on some of the other charges that have  
20 been -- that have gone to sentencing. But as I did in my  
21 sentencing memo, I want to direct the Court to one of the  
22 defendants that was sentenced for this charge, and that is  
23 Daryl Johnson in Case 21-cr-407. Mr. Johnson was, this summer,  
24 given a sentence of 30 days of active jail time on -- on his  
25 charge of -- of this -- this same charge.

1 But if one compares the facts of Mr. Johnson's case with  
2 Mr. Ryals's case, I believe that the sentence that Mr. Ryals  
3 should receive -- to be consistent with Mr. Johnson should be  
4 less than 30 days. Mr. Johnson, unlike Mr. Ryals, actually  
5 rushed a line of law enforcement officers, and he helped push  
6 through the officers, and he pushed open the east Rotunda  
7 doors. And I'm -- I'm getting this from the -- the statement  
8 of facts that -- that the government wrote up and that they  
9 agreed to.

10 In addition, his postings following the Capitol riots,  
11 he references that -- he says that there will be hangings on  
12 the front lawn of the Capitol. He says that it's going to get  
13 ugly and probably result in some version of a civil war. And  
14 he says, quote, I have no problem dying in a pool of empty  
15 shell casings. That's Daryl Johnson who was sentenced to  
16 30 days in jail.

17 You compare -- I understand Mr. Ryals said things  
18 certainly at the time and certainly after, but they do not  
19 rise, I believe, to the level of what you heard from  
20 Mr. Johnson. In addition, Mr. Ryals -- and there's no dispute  
21 here. He came into the Capitol after the doors had been  
22 opened. He did not push against -- push against the line. He  
23 did not have any physical interaction with -- with officers.  
24 The -- he wandered around for a lot. He had -- he took  
25 selfies. He was -- he was a tourist.

1           Now, the one caveat is there is a video of  
2           Mr. Johnson [sic], along with another person, opening that  
3           office door, breaking -- breaking down that office door.  
4           When -- I say breaching. I don't think there's actually been  
5           an indication that there was damage done to the door, but the  
6           door was opened by Mr. Ryals. He had come upon the door when  
7           other people were already trying to open, and like he had  
8           already done on his way into the Capitol is he -- he joined the  
9           crowd. He should have exercised better discretion. He should  
10          have exercised that before he even got to the Capitol steps,  
11          but Mr. Ryals is acknowledging the mistakes that he's made.

12                 He has no criminal history. He has been on release in  
13          this case. For -- for approximately two years, I think, he has  
14          been in compliance. I -- I think when the Court is fashioning  
15          sentence, it should take all of that into account. And, again,  
16          I think the touchstone for -- for sentencing disparity should  
17          be Mr. Daryl Johnson. And -- and based on that, I would ask  
18          the Court to sentence Mr. Ryals to a period of probation  
19          without incarceration.

20                 THE COURT: All right. Mr. Ryals, do you -- is there  
21          something you wish to say?

22                 THE DEFENDANT: Yes, Your Honor.

23                 Your Honorable Kollar-Kotelly, between working and  
24          raising my son, I've had much time to reflect, time to think  
25          about my actions, time to think about what I've done wrong and

1       how it's affected so many different people, so many different  
2       aspects of my life. Never in my life did I ever want to cause  
3       hurt or pain to anybody. And that's one of the things that  
4       hurts most about my decision that I made that day. And I've  
5       done a disservice to those that I represent. And for that,  
6       Your Honor, I am very remorseful.

7               I'm a man who believes in what is right and what is  
8       just, and I'm willing to accept any consequences for my actions  
9       and any judgments you set forth. It has been nearly two years  
10      since that day, and one of the many lessons I learned  
11      throughout the process is that so many things in life are taken  
12      for granted, and I can't help but to think about how my  
13      decisions will affect my future, my family, and my country.

14             You have every right to see me as a criminal, but  
15      there's nothing I want more to make amends and to get on with  
16      my life. And having learned from my mistake, getting caught up  
17      in the heat of the moment, and my lapse of judgment, this will  
18      forever be a mark that can never be washed away. I only ask,  
19      Your Honor, to see me as the man that my friends and family see  
20      me as and have known for my whole life and not see me for the  
21      mistake that I have made.

22             Thank you, Your Honor.

23             THE COURT: I have a question that I would ask both  
24      you and counsel. I did receive the 302 from the FBI, and  
25      although it indicates -- and it's a statement that they've

1 written down -- is there anything that you think is wrong in it  
2 at this point? And in an early part of the statement, it says  
3 that Mr. Ryals said he walked into an office. It omits  
4 anything about breaking down the door. And, in fact, it says,  
5 at one point Mr. Ryals never breached any closed doors or  
6 assisted others with the breaching of any doors inside the  
7 Capitol.

8 Is that correct, that that's what he said to the FBI?  
9 Is that true?

10 MR. MYKYTIUK: Your Honor, from my part -- so I --  
11 this interview was done post-plea.

12 THE COURT: Right. I understand.

13 MR. MYKYTIUK: And he -- it was done in person with  
14 Mr. Ryals in Oklahoma. I appeared by telephone. To be  
15 perfectly honest with you, once I received this report, I had  
16 not remembered that question being answered. Also at that  
17 point, I -- you know, we certainly weren't aware that there was  
18 evidence of this happening. So I cannot honestly say if that  
19 was the conversation, but Mr. Ryals --

20 THE COURT: Okay. Well, Mr. -- let me ask Mr. Ryals.  
21 Is that what you said?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. So you denied when you talked to  
24 the FBI back in June of 2022 that you had actually breached the  
25 door; is that correct?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: All right. What I'd like to do is to  
3 take a 15-minute break. I want to go through the information  
4 that I have, and then I'll come out and do the sentencing.

5 Okay. I'll call in to Ms. Patterson and let her know  
6 that I'm coming out.

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: Let me take a few minutes based on the  
9 information that I have.

10 (Recess taken.)

11 THE COURT: All right. Let me proceed with the  
12 sentencing. I have to say that probably one of the most  
13 difficult -- please, you can go ahead and sit down. He doesn't  
14 need to stand.

15 Probably one of the most difficult tasks that a judge  
16 has is to do a sentencing. So it's always difficult to  
17 determine all the factors and to make judgments about people  
18 and what potentially they'll do in the future, but let me  
19 proceed.

20 In addition to the advisory sentencing guidelines, the  
21 Court considers the pleadings, arguments, record in this case,  
22 in addition to the following information in determining a fair,  
23 appropriate, and reasonable sentence, in conformance with the  
24 factors set out in 18 U.S.C. 3553(a) and subsequent sections,  
25 except for (e).



1           Mr. Ryals is 27 years old. He has no criminal history.  
2           In terms of education, he's a high school graduate. He does  
3           have some college. He's completing an on-site apprenticeship  
4           to get an electrician's license. He's starting with a  
5           journeyman's card.

6           In terms of job history, from February 2020 to  
7           March 21st -- no. From February of 2020 to March of 2021 and  
8           then July of 2022 to the present, he's worked for his  
9           co-defendant, Tony's Electric & Remodeling. Prior to that he  
10          had contact with -- a contract -- excuse me -- with a hospital.  
11          He lost the job because of this case. He and the co-defendant,  
12          however, are doing independent jobs. From March of 2021 until  
13          April of 2022, he worked for Renfro Electric. He was laid off.  
14          There's a past history of work as a car salesman, restaurant  
15          cook, landscape, and warehouse worker.

16          In terms of finance, he does have assets, income. He  
17          does have positive monthly cash flow. He does need to pay  
18          restitution, and he has support responsibilities for his son.  
19          He, evidently, will be going through a divorce proceeding once  
20          financially the couple is able to. So I'll find there's no  
21          financial availability to pay an additional fine beyond the  
22          restitution and whatever his responsibilities are for child  
23          support.

24          In terms of mental health and emotional, there's no  
25          issues at this point. Substance abuse, evidently in use of

1 alcohol, marijuana. For marijuana he does have a medical card;  
2 hasn't used it since 2020. Evidently, in high school he tried  
3 mushrooms and acid but hasn't used it since.

4 Physical condition, no issues. No COVID vaccine.

5 On a personal and family basis history, he was born into  
6 an intact family in Oklahoma. Parents separated when the  
7 defendant was around 9 years old. Father in landscaping. His  
8 mother eventually remarried in 2005, and she is a homemaker  
9 living in South -- she was -- is a homemaker living in  
10 South Carolina. The defendant has an older sister. After the  
11 parents' separation, evidently Mr. Ryals lived with his mother  
12 and his sister lived with his father. He does have a  
13 stepfather who owns a software company. The defendant and the  
14 stepfather get along. The defendant moved with his mother and  
15 stepfather to Michigan, and then in 2013 they moved to  
16 Oklahoma.

17 In January 2019 Mr. Ryals got married. He evidently  
18 separated in 2022. Evidently, they already had some issues in  
19 the marital relationship, but this seems to have contributed or  
20 exacerbated their relationship. He does have one child. The  
21 probation office indicated he was 2 years old. Is he 2 or 3?

22 THE DEFENDANT: He turned 3 in September, Your Honor.

23 THE COURT: Okay. So he's now 3 years old. And he  
24 lives with his mother. The defendant does see his son, spends  
25 time with him, and is financially supporting him.

1           In terms of the statement of offense and -- I will read  
2           the portion that relates specifically to -- from the statement  
3           of offense as opposed to my summary summarizing it, although I  
4           may pick out certain aspects of it. But reading from what he  
5           signed and agreed to, on January 5th, 2021, Mr. Ryals drove  
6           himself and two other individuals, including the co-defendant,  
7           Anthony Griffin, from Oklahoma to a hotel outside of D.C. in  
8           Virginia.

9           On the morning of January 26th [sic], 2012, Mr. Ryals  
10          and the two other individuals traveled to D.C. to attend the  
11          "Stop the Steal" rally. He attended the rally to protest the  
12          results from the 2020 presidential election. Mr. Ryals wore a  
13          red 2020 Trump hat to the rally. He also wore a  
14          charcoal-colored jacket and blue jeans. The description is  
15          important in terms of looking at the videos.

16          After the speeches, however, Mr. Ryals walked with the  
17          crowd towards the U.S. Capitol. He later described the scene  
18          outside the Capitol as one in which the Capitol Police were  
19          throwing percussion grenades, using pepper spray, and shooting  
20          rubber bullets from the Capitol steps. They were, obviously,  
21          trying to keep people out.

22          At this point Mr. Ryals filmed a video with his phone  
23          from the bottom of the Capitol steps. The video showed  
24          multiple people standing on the Capitol steps, and in the  
25          video, Mr. Ryals states, quote, They're tear gassing, throwing

1 flash bangs, pepper spray, but we will not concede, unquote.  
2 Additionally, the Capitol Police, through verbal directives,  
3 were ordering people away from the Capitol. Mr. Ryals saw the  
4 crowd shift and started going up the stairs with people in the  
5 crowd yelling, "Come on." Mr. Ryals began going up the stairs  
6 with the crowd.

7 Mr. Ryals knew it was a bad idea to go inside the  
8 Capitol, so briefly retreated back down the steps, but  
9 ultimately decided to continue toward the Capitol doors. At  
10 some point just before entering, Mr. Ryals filmed a video with  
11 his phone from the Capitol steps. The video showed multiple  
12 people standing outside the Capitol, multiple people entering  
13 the Capitol. In the video, Ryals states, quote, We definitely  
14 have enough people to overthrow this bitch -- presumably the  
15 government. They -- referring to law enforcement -- don't  
16 stand a fucking chance. We got the fucking doors open up  
17 there, I guess. We're working our way in slowly but surely.  
18 And then Mr. Ryals entered through a side door.

19 Mr. Ryals remained inside of the Capitol for  
20 approximately 10 to 15 minutes, remaining primarily in an  
21 unspecified office space. As he made his way to other parts of  
22 the Capitol, he and others were confronted by several  
23 Capitol Police officers who directed them back outside through  
24 the same door he entered.

25 Mr. Ryals remained back outside for 5, 10 minutes, then

1 returned to the side door and entered. The Capitol riot police  
2 were in the hallway inside the door ordering and pushing people  
3 out of the Capitol. At some point the police began shooting  
4 pepper balls at the crowd, and he was struck in the shoulder  
5 with one.

6 Despite orders from the Capitol Police to leave,  
7 Mr. Ryals reentered the Capitol through a set of double doors.  
8 Mr. Ryals walked through and remained in several areas on the  
9 multiple floors of the Capitol, including the Rotunda and the  
10 Crypt. Mr. Ryals spent approximately 30 minutes inside the  
11 Capitol after his reentry, taking photos and video while  
12 inside.

13 Mr. Ryals exited the Capitol but remained on the  
14 grounds. At approximately 6:30 p.m., Mr. Ryals and  
15 Co-Defendant Griffin returned to their vehicle where they met  
16 with the other individuals they had come with. They returned  
17 to their hotel in Virginia, and they all drove back to Oklahoma  
18 the next morning.

19 At some point on January 7, 2021, Mr. Ryals posted the  
20 following message on his Facebook account: Where we go we --  
21 where we go one, we go all, and yesterday was a monumental day  
22 in history. Millions of Trump supporters lined out -- lined  
23 out by the Washington Monument to hear Trump, and after minutes  
24 of his speech, before he had even gotten started, the patriots  
25 walked down towards Capitol Hill to "Stop the Steal." We

1       reclaimed our Capitol just to be slandered by the media pushing  
2       this great reset agenda and who have their hands in the CCP's  
3       pockets.

4               I just ask that -- American people to wake up if you  
5       haven't already. Things are headed in the direction of  
6       revolutionary war against the corruption in our government.  
7       The media labeled us as, quote, barbarians; yet every person I  
8       talked to today was a good-hearted Christian who all said  
9       they've never really gone to any rally, protest, or anything  
10      like what they did today. Seeing millions of patriots covering  
11      the streets from Capitol Hill to the Washington Monument on  
12      both streets, sidewalk to sidewalk, showing the true nature of  
13      the American spirit, and this corruption can go on no longer.

14             It is our responsibility to handle this at all costs.  
15      We are not animals. We are not barbarians. We are the heart  
16      of this country and the last ones to stand up for your freedom.  
17      Then it has a #Godblessamerica, #Trump2020Landslide  
18      #nomorebullshit #Freedom.

19             For purposes of the statement, Mr. Ryals further admits  
20      that on January 6th, 2021, he knowingly proceeded up the stairs  
21      of the U.S. Capitol, entered, exited after being told to leave  
22      by law enforcement officers, reentered at another door, and was  
23      forced out by the law enforcement officers.

24             Mr. Ryals then reentered the U.S. Capitol restricted  
25      building and remained for approximately 30 minutes. Ryals

1 admits these actions impeded and interfered with law  
2 enforcement officers engaged in official duties, including but  
3 not limited to protection and security of the U.S. Capitol.  
4 Ryals also admits that on January 6th, 2021, on the grounds of  
5 the U.S. Capitol, numerous law enforcement officers with the  
6 Capitol Police were engaged in the performance of federally  
7 protected functions during the commission of a civil disorder;  
8 namely, a riot. Mr. Ryals admits that the civil disorder on  
9 January 6th, 2021, obstructed and adversely affected the  
10 Capitol Police's performance of those federally protected  
11 functions.

12 Now, Mr. Ryals has submitted letters in support.  
13 They're from family, friends, employers, and a family attorney.  
14 Mr. Ryals is described as, quote, a gentle giant who was  
15 willing to spend time with a 12-year-old autistic twins when  
16 the defendant was a teenager, and ordinarily teenagers would  
17 not want to spend time with others younger than themselves,  
18 nonverbal; so certainly that was a commendable action on your  
19 part.

20 He's also described as a caring parent of his now  
21 3-year-old son, hardworking, respectful. He has been involved  
22 in treating the lawns at Arlington National Cemetery on a  
23 yearly basis.

24 He's been compliant with his pretrial conditions over  
25 the past two years. He has no criminal history. He did not

1 assault any law enforcement officers on that day. Today he's  
2 expressed remorse, and today he was honest about what he told  
3 the FBI when he made certain denials.

4 In looking at the video, it shows the following -- and  
5 this is described -- specifically, Exhibit 3, which is --  
6 although I looked at all of them, I would describe this one  
7 specifically. What you see is the inside of the Capitol after  
8 you go in the parliamentary door, which is on the northwest  
9 side. You see a tile floor corridor. You then -- it's empty.  
10 Then you see police move up to the door. You cannot see the  
11 door on the video. The crowd rushes in. The law enforcement  
12 moves back. The defendant is not pushing the law enforcement,  
13 but he certainly is in front with the crowd as it -- the crowd  
14 pushes the law enforcement back down the corridor.

15 On the left side is a door to a senator's inner office.  
16 It's locked. A rioter tries to start to force the locked door  
17 open; tries about six times and is using, at one point, a sign.  
18 It's a standing sign that's on a metal -- metal post, and that  
19 is used to try and break down the door, sort of as a battering  
20 ram.

21 The defendant then joins in with the others. There's at  
22 least four pushes at this point to open it. The defendant then  
23 uses the sign four more times trying to breach the door. The  
24 sign then breaks. The defendant then starts using his  
25 shoulder, slamming against the door eight separate times.



1 Eventually, the door is breached. The office is unoccupied. I  
2 have to say the defendant was certainly persistent in breaking  
3 down the door to a, obviously, private office. He goes in. He  
4 then comes out of the office. While he's in there, he's taken  
5 at least one selfie of himself in the office.

6 While he's outside, he's encouraging other people to go  
7 in once the door is open. And you can see him chanting USA.  
8 He then noses around the hall and then leaves. And this is in  
9 the one video. So there were other videos, as I've described,  
10 in terms of his in and out of the Capitol, but this is in the  
11 one section. I have to say, you see him today and you see him  
12 on the video; and, admittedly, he's a very different person.  
13 But I can't ignore the Mr. Ryals on the video.

14 In terms of looking at the 3553 factors, this is a  
15 serious offense. Mr. Ryals participated in an insurrection.  
16 He walked to the outside of the Capitol. He saw law  
17 enforcement officers trying to keep this massive crowd from  
18 going up the Capitol steps. He recognizes he shouldn't be  
19 involved in breaking the -- breaking into the Capitol.

20 When rioters pushed past and went up the stairs, he then  
21 joined them. He tellingly says, quote, We have enough people  
22 to overthrow this bitch. Presumably the government. They,  
23 referring to law enforcement, don't have a chance. We got  
24 doors open, working our way in the Capitol, slowly but surely.

25 He's in the Capitol for the 10 or 15 minutes. Capitol

1 Police confront him. They direct him to leave. He leaves. He  
2 then reenters. He's ordered out again. Comes back in again,  
3 and then is there for about 30 minutes. He takes photos on his  
4 phone, and videos. He indicates, quote, We reclaimed our  
5 Capitol, unquote. I would point out by force and by violence.

6 The video -- although it's not in the statement, as I've  
7 indicated already, you can see he's near the rioters trying to  
8 open a locked door using an entrance sign, uses his shoulder,  
9 and he uses the entrance sign, until it breaks, as a battering  
10 ram. Others joined him with the broken door and entered the  
11 empty office. Whatever his exact purpose, it certainly wasn't  
12 benign. This isn't conduct he should have engaged in. Clearly  
13 it was a private office. It was locked.

14 Now, looking at the FBI report, which is something -- he  
15 had an interview five months later. So he's had some time to  
16 think about what he engaged in. He denied doing -- doing --  
17 you know, doing this breach of the door, which was not -- which  
18 took some time between his shoulders, aiding others -- and the  
19 shoulders, he's there doing it himself -- using the sign until  
20 it breaks.

21 Now, granted he admitted today that he told the FBI  
22 five months after the riot that he didn't participate in  
23 breaking down the door, but the video makes it very clear he  
24 did. But he was dishonest with the FBI five months later as to  
25 what his actions are. He just walked into the office.

1           So I -- and I would point out a couple of things in  
2       terms of the statement. He indicates -- you know, he walked in  
3       the office. He talks about that he never breached any closed  
4       doors, which is not true, or assisted others with the breaching  
5       of any doors inside the Capitol, also dishonest. Never had any  
6       plans to overthrow the government, nor did he have any  
7       intentions of conspiring against the government. He only was  
8       there to support Trump. Now, obviously, his statements would  
9       believe that.

10           He may be known by his friends and family as a gentle  
11       giant, but there was nothing gentle about his action on  
12       January 6th. He's also known as being respectful of others.  
13       His actions did not reflect a respect for the rule of law on  
14       January 6th. As I said, he told the FBI he wasn't involved in  
15       the insurrection, but I -- and I emphasize this because I think  
16       this is important. But he stated these statements that I've  
17       just gone over. He participated in an insurrection, and it  
18       certainly wasn't a peaceful one. We definitely have enough  
19       people to overthrow the bitch; which is clearly the government.  
20       They didn't stand a chance; talking about the law enforcement.  
21       We reclaimed our Capitol. Things are headed in the direction  
22       of a revolutionary war against the corruption in our  
23       government. These are not peaceful comments and clearly  
24       contradict what he told the FBI five months later.

25           Clearly, his goal was to stop the certification of the

1 presidential election and peaceful transfer of power as  
2 guaranteed by our Constitution. Your actions and participation  
3 in the mob helped create the momentum of violence by you and  
4 others participating in the insurrection. That provided safety  
5 for the violent actions of others. Even if you didn't hit a  
6 law enforcement officer, others did, and you were there and  
7 encouraging them, gave them cover to do that.

8 Violence is an unacceptable way to resolve political  
9 differences, which is what this is. There are lawful means  
10 available in a democracy to change or challenge actions you  
11 disagree with, which do not include a violent insurrection.  
12 Your presence and actions by joining other insurrectionists was  
13 an inexcusable attack on our democracy and the peaceful  
14 transfer of power according to the Constitution; and certainly  
15 a disrespect of the rule of law, which governs civilized  
16 societies.

17 You should appreciate what an extraordinary country you  
18 live in, with a vibrant democracy, which can easily be  
19 destroyed. You should appreciate how lucky you are to live in  
20 this democracy as opposed to living in some country ruled by an  
21 authoritarian.

22 Now, there are consequences to you personally having  
23 engaged -- which is true of all criminal conduct. Having  
24 engaged in this criminal conduct, you lost your job. It's  
25 probably going to affect future employment based on the fact

1       it's a felony. You lost certain civil rights. It's evidently  
2       exacerbated your marital relationship, made it more difficult  
3       for you to spend time with your son, and you may have regrets  
4       today because of how it's affected you.

5               My concern is deterrence to you in the future. We're  
6       going to have other elections coming up, and they are,  
7       obviously, going to be very volatile, and it's -- looking at  
8       the news, it sounds to me, in listening to different people who  
9       are on the ballots to be elected, that this is going to not be  
10      an easy election and it's going to be very controversial and,  
11      in many instances, very close in terms of votes.

12             So the question is what is your response going to be?  
13      You did not accept responsibility five months later after the  
14      event, when you would have had time to think about it, when you  
15      interviewed with the FBI. That concerns me. You destroyed  
16      property trying to enter a private office. Who knows what your  
17      purpose was. Certainly not a good one. The statements you  
18      made clearly in support of goals of an insurrection and  
19      revolutionary war, can you be trusted when you're dishonest  
20      about this insurrection in your actions?

21             There's also a concern, frankly, about deterrence to  
22      others in the future when we have future elections, which are  
23      coming up, and that is also an essential consideration for  
24      people to understand -- not only you, but others if they're  
25      contemplating doing this; that there are consequences to them.

1 And something, hopefully, that will give them thought before  
2 they act.

3 Now, looking at parity, which is something that is  
4 important, there is the *Johnson* case, which you've cited, and I  
5 have looked at that. There's other cases, and there's a whole  
6 different series of cases. There is not total parity between  
7 all of the judges and how they've been handled, frankly. I've  
8 looked at it in -- I've been keeping track of my own cases in  
9 terms of misdemeanors or a felony, you know, in terms of  
10 whether there's been -- they've been involved in violence, what  
11 kind of statements have been made. Frankly, in the admissions  
12 or honesty about people's actions.

13 If you look at another case, which is *U.S. v. Simon*, in  
14 that particular case, somewhat similar, although it was violent  
15 acts or something -- if you look at the statement of offense,  
16 it doesn't appear to have anything where, you know, the person  
17 is, you know, beating up law enforcement. And it was a  
18 misdemeanor. So it was eight months. Now, that was a  
19 different judge.

20 This is not just -- it's an offense of civil disorder,  
21 but it's not the typical, you know, people going out  
22 specifically in -- you know, a protest, engaged in some civil  
23 disorder. I mean, this is the worst expression of a civil  
24 disorder in terms of conduct. It's an insurrection. It's a  
25 disruption of the peaceful transfer of power; and we've had,

1 over the years, difficult, contentious, and, frankly, disputed  
2 transfers of power. But we have not acted and engaged in  
3 insurrections in response to them. And so, you know, none of  
4 them have been these difficult transfers that have been  
5 disputed. None of them have been involved in this kind of  
6 conduct.

7 So, frankly, I think a term of imprisonment as opposed  
8 to a probation is a just punishment and deterrent.

9 Now, I've also looked in terms of the cases I have. So  
10 I've been doing more parity with my own cases. I have  
11 misdemeanants where, you know, it's zero to six months, and the  
12 maximum appropriately, frankly, is six months. Here we have  
13 the defendant charged as a felony, and we -- the sentence would  
14 be the same as a misdemeanor. There's something wrong with  
15 that.

16 And I -- my biggest concern here is that you did not  
17 accept responsibility after the plea and you were dishonest in  
18 your interview with the FBI. You were not truthful, and it's  
19 five months later where you've had plenty of time to think  
20 about this. Now, granted today, you did own up to it. I'm  
21 assuming you've looked at those videos and it's hard to claim  
22 you weren't involved in breaking down that door.

23 So I -- from my perspective, I think you have not  
24 actually accepted responsibility for your acts. So I am going  
25 to take away the two points for acceptance of responsibility.

1 I think your actions have been dishonest, and I think that  
2 raises a question for me, both accepting responsibility and,  
3 frankly, deterrence in terms of making sure this doesn't happen  
4 again.

5 So looking at the factors, you know, just punishment,  
6 deterrence to you, to others. It's my hope that the sentence,  
7 which I'm going to impose in a moment, sends a message to you  
8 to deter you and others from ever engaging in this type of  
9 disruptive behavior in the future and that you admit and  
10 recognize you live in a country within comparable freedoms  
11 which are protected by the rule of law. And a democracy is  
12 fragile, and it requires that all citizens appreciate it. You  
13 eliminate the rule of law and you jeopardize those freedoms.

14 In terms of the sentence, pursuant to the Sentencing  
15 Reform Act of 1984 and in consideration of the provisions of  
16 18 U.S.C. 3553(a), as well as the advisory sentencing  
17 guidelines, it is the judgment of the Court that you,  
18 Jerry Ryals, are hereby committed to the custody of the  
19 Bureau of Prisons for a term of nine months of incarceration as  
20 to Count 1.

21 You're further sentenced to serve a 36-month, 3-year,  
22 term of supervised release as to Count 1.

23 In addition, you're ordered to pay a special assessment  
24 of a hundred dollars in accordance with 18 U.S.C. § 3013.

25 While on supervision, you shall abide by the following



1 mandatory conditions, as well as the standard conditions of  
2 supervision, which are imposed to establish the basic  
3 expectations for your conduct while on supervision. The  
4 mandatory conditions include:

5 One, you must not commit another federal, state, or  
6 local crime.

7 Two, you must not unlawfully possess a controlled  
8 substance.

9 Three, you must refrain from any unlawful use of a  
10 controlled substance. You must submit to one drug test within  
11 15 days of placement on supervision and at least two periodic  
12 drug tests thereafter as determined by the Court.

13 Four, you must cooperate in the collection of DNA as  
14 directed by the probation officer.

15 You must make restitution in accordance with  
16 18 U.S.C. §§ 36 through 63 and 3663(a) or any other authorizing  
17 a sentence of restitution.

18 You shall comply with the following special conditions:

19 Financial payment. You must pay the financial penalty  
20 in accordance with the schedule of payments sheet of the  
21 judgment. You must also notify the Court of any change in  
22 economic circumstances that might affect the ability to pay  
23 this financial penalty. And the financial penalty is really  
24 the restitution and the hundred dollars. There's nothing else.

25 Financial payments schedule. Having assessed your

1 ability to pay, payment of the total criminal monetary  
2 penalties is due as follows: \$75 a month over a period of  
3 35 months, to commence after the date of this judgment. I'm  
4 assuming that you can pay \$75.

5 Financial information disclosure. You must provide the  
6 probation officer access until your financial obligations have  
7 been satisfied to any requested financial information and  
8 authorize the release of any financial information. The  
9 probation office may share financial information with the  
10 U.S. Attorney's Office.

11 Financial restrictions. You must not incur new credit  
12 charges or open additional lines of credit without the approval  
13 of the probation office while there are outstanding financial  
14 obligations.

15 I'm going to set a reentry progress hearing. Within  
16 60 days of release from incarceration, you'll appear before the  
17 Court for a reentry progress report -- hearing. The probation  
18 office in the district you're supervised will submit a progress  
19 report to the Court within 30 days of the commencement of  
20 supervision. Upon receipt of the progress report, I'll decide  
21 whether your appearance is required.

22 The Court finds you don't have the ability to pay a fine  
23 and, therefore, waives the imposition of a fine in this case.

24 You're ordered to make restitution to the Architect of  
25 the Capitol in the amount of \$2,000. The Court determined that

1       you don't have the ability to pay interest, waives any interest  
2       or penalties that could accrue on the balance. Restitution  
3       payments shall be made to the Clerk of the Court in the  
4       U.S. District Court in the District of Columbia for  
5       disbursement. It goes to the Architect of the Capitol. I  
6       won't read the address, but the judgment will include it. The  
7       amount of loss is 2,000.

8               The financial obligations are immediately payable to the  
9       Clerk of the Court of the U.S. District Court here in the  
10      District of Columbia. I've set out a schedule of payments.  
11      Within 30 days of any change of address, you'll notify the  
12      Clerk of the Court of the change until such time as the  
13      financial obligations are paid in full.

14             The probation office shall release the presentence  
15      investigation report to all appropriate agencies, which  
16      includes the U.S. Probation Office in the approved district of  
17      residence in order to execute the sentence of the Court.  
18      Treatment agencies shall return the presentence report to the  
19      probation office upon the defendant's completion or termination  
20      from treatment.

21             Now, let me do one thing. In terms of the notice of  
22      appeal, which I'll get to -- the sentencing guidelines  
23      calculation, the base offense was, as I indicated, 10 with a  
24      criminal history of I. And the range is 6 to 12 months and  
25      I've chosen the middle, which is the 9 months. So just so you

1 have that on the record.

2 And I've imposed no fine. So I don't need to go into  
3 what it would be for a -- for an offense level of 10.

4 Pursuant to 18 U.S.C. § 3742, you have a right to appeal  
5 the sentence imposed by the Court if the period of imprisonment  
6 is longer than the statutory maximum, which it is not, or the  
7 sentence departs upward from the applicable sentencing  
8 guideline range, which it does not. I did not do a departure.  
9 I simply took away the acceptance of responsibility to your  
10 offense level.

11 If you choose to appeal, you must file any appeal within  
12 14 days after judgment is entered. If you need to file without  
13 cost to you, you can ask the Court for that, and you can also  
14 ask for counsel to be appointed, if you cannot afford one.

15 As defined in 28 U.S.C. 2255, you also have the right to  
16 challenge the conviction entered or sentence imposed if new and  
17 currently unavailable information becomes available to you, or  
18 on a claim that you received ineffective assistance of counsel  
19 in entering a plea of guilty to the offense conviction or in  
20 connection with the sentencing.

21 Again, if you're unable to afford the cost of the appeal  
22 under the collateral appeal, you can ask the court to allow you  
23 to file it without cost to you and, again, ask for counsel to  
24 be appointed if you cannot afford one.

25 I don't know whether there is a particular request for

1 where you would like to be recommended to be incarcerated. I  
2 will put a recommendation. There's nothing to say they'll do  
3 it, but I certainly will recommend it.

4 MR. MYKYTIUK: Yes, Your Honor. For what it's worth,  
5 I would ask the Court to recommend the minimum security camp at  
6 FCI El Reno, which is in Oklahoma where Mr. Ryals lives.

7 THE COURT: I missed the last name of it.

8 MR. MYKYTIUK: FCI El Reno, as in Reno, Nevada.

9 THE COURT: Oh, Okay.

10 MR. MYKYTIUK: But it's in Oklahoma.

11 THE COURT: Okay. All right. I'll recommend that.

12 I will also let him voluntarily surrender.

13 MR. MYKYTIUK: That's my next request.

14 THE COURT: And I will pick a date in a moment to  
15 allow -- allow him some time to get his matters in order and  
16 to, you know, talk to his family, et cetera.

17 Pursuant -- let me finish this, and then you can -- stay  
18 there.

19 There's a D.C. Circuit opinion, *U.S. v. Hunter*, which  
20 was -- came down in 2016. So I do want to ask, apart from  
21 what's already been raised, whether there are any object- --  
22 other objections to the sentence imposed or something else that  
23 needs to be brought up at this point? Is there anything else  
24 from you or the government or probation that I need to address?

25 THE PROBATION OFFICER: Your Honor, noting a progress

1 hearing.

2 THE COURT: If you could come up and use the  
3 microphone there. And if you could identify yourself, please.

4 THE PROBATION OFFICER: I apologize.

5 THE COURT: I can hear you now.

6 THE PROBATION OFFICER: Amy Landon for U.S. Probation  
7 standing in for Probation Officer Robert Walters, who actually  
8 wrote the presentence report.

9 THE COURT: Okay.

10 THE PROBATION OFFICER: It's my understanding that  
11 the Court wishes to have a reentry progress hearing, which  
12 leads the probation officer to believe that the Court is not  
13 going to transfer jurisdiction but will transfer supervision to  
14 the Eastern District of Oklahoma.

15 THE COURT: Right. I'm not transferring jurisdiction  
16 at this point. When -- once he is released, I would request  
17 that the reentry be in front of me, and then if you want to  
18 transfer it, I don't have a problem. I have found that  
19 transferring it immediately, sometimes there's a gap in what  
20 happens. So I want to make sure there's no issues when he is  
21 released, if he's going to live someplace else -- presumably  
22 not in D.C. -- to make sure that they accept the supervision  
23 and will follow what -- what I've set out here.

24 So he would -- the re- -- we do the report 30 days after  
25 he's released. Based on that, I'll have a reentry, which I may

1 do, you know, on Zoom, frankly. We'll see what -- whether I  
2 need to bring him up, and we'll discuss where he gets  
3 transferred at that point in terms of his supervision to make  
4 sure there's no problem with that.

5 THE PROBATION OFFICER: Yes, Your Honor.

6 THE COURT: Okay. Anything -- anything else you want  
7 to bring up?

8 THE PROBATION OFFICER: As far as voluntary  
9 surrender, we usually have the -- we go over the documentation  
10 with the defendant at the end, but it's my understanding that  
11 the Court is going to set a specific date to tell the Bureau of  
12 Prisons.

13 THE COURT: Yes. When he would be known by the  
14 Bureau of Prisons, but I do think you still need to go through  
15 the rest of the things at the end with him.

16 THE PROBATION OFFICER: Thank you, Your Honor.

17 THE COURT: Okay. Anything else from the government  
18 that I need to address?

19 MR. MCCARTHER: Your Honor, just for the record, in  
20 case there is an appeal, Your Honor was very clear about the  
21 3553 factors and how it came to its sentence. Even had this  
22 Court determined that the lower guideline was in play and the  
23 acceptance of responsibility points were not taken away, I  
24 believe, based on the actions of the defendant and the 3553  
25 factors, this Court is saying it still would have come to its

1 determination of a nine-month period of incarceration; is that  
2 correct?

3 THE COURT: Yes.

4 MR. MCCARTHER: Nothing further from the  
5 United States.

6 THE COURT: Okay.

7 Counsel, you wanted to raise something else.

8 MR. MYKYTIUK: It may have been answered. I was  
9 looking for clarification on the reporting. In my -- my past  
10 experience, the Bureau of Prisons has notified the defendant  
11 of --

12 THE COURT: Right. The Bureau of Prisons will notify  
13 him. He can talk -- when we finish here, he should talk to  
14 probation about this so that he knows exactly what to do. He  
15 will get a notice. We'll pick a date today by which they --  
16 it's not to be -- the way I do it is a date that he's not to be  
17 incarcerated prior to that, and then at that point, they'll  
18 send out whatever they're going to do because -- otherwise it  
19 doesn't work.

20 MR. MYKYTIUK: I understand.

21 THE COURT: So I'm not picking a date for him to go.  
22 They need to make the decision, but I will indicate that the  
23 Bureau of Prisons is not to send him a notice to show up prior  
24 to this date. So he's free.

25 MR. MYKYTIUK: Understood.



1           THE COURT: They -- after this date, they'll send him  
2 a notice and it depends on, you know -- their status, where  
3 they're going to send him, what's -- what's involved, and  
4 they'll make a decision at that point. And, usually, it's  
5 varied from, you know, a couple weeks to six weeks to whatever.  
6 I don't know where they are at this point, and it probably  
7 depends on where he's going, frankly, as to how quickly they  
8 will do it, but I will pick a date -- and I'll talk to you at  
9 this point -- by which the Bureau of Prisons can then send him  
10 notices.

11           MR. MYKYTIUK: Yes, Your Honor. Thank you.

12           THE COURT: All right. So let me ask you at this  
13 point, is there a particular -- I was, frankly, going to give  
14 him a couple of weeks in here to get things in order before  
15 he -- before they would send him a notice, and then I don't  
16 control when the notice goes out. That's going to be dependent  
17 on where they want you to go and what, you know, their bed  
18 space and stuff is.

19           So if I gave him through, say, three weeks, is that  
20 enough time for him to get matters in order in terms of, you  
21 know, his house and various other kinds of things he needs to  
22 do?

23           THE DEFENDANT: Preferably 30 days, if it was -- if  
24 it was possible.

25           THE COURT: Okay. All right. So -- I can do it

1 by -- I'll do it by November 15th. Yeah, November 15th.  
2 That's four weeks. That, hopefully, will give you enough time  
3 to -- to do it.

4 And think carefully -- okay? -- while you're there in  
5 terms of your actions, and give some careful thought to what  
6 you got involved with. There's going to be temptations in the  
7 future because I think our country, unfortunately, seems to be  
8 very divided. So I would hope that future elections will still  
9 result in a peaceful transfer and not what has occurred.

10 THE DEFENDANT: Thank you, Your Honor.

11 THE COURT: All right. When I -- hopefully, I will  
12 never see you back here with violations. I'm expecting you to  
13 follow through with all these conditions. They're pretty  
14 simple.

15 THE DEFENDANT: Absolutely.

16 THE COURT: But what will happen is once you get  
17 released, they'll send you, you know, to the probation office  
18 closest to wherever you are. You'll have a discussion with  
19 them. They'll send a report to me. I'll set up some sort of a  
20 hearing, and we'll move the supervision so you don't have to be  
21 supervised here.

22 I am going to keep jurisdiction, though. So if there's  
23 a problem, you'll be back in front of me, not in front of some  
24 other judge. Okay?

25 THE DEFENDANT: Okay.

1 THE COURT: But the -- if you're going to live in  
2 Oklahoma, the probation office in Oklahoma, assuming they  
3 accept supervision, would be the one that would supervise you,  
4 so in terms of your reporting, et cetera. All right?

5 THE DEFENDANT: Okay. Thank you, Your Honor.

6 THE COURT: All right. Parties are excused.

7 MR. MCCARTHER: Your Honor.

8 THE COURT: Yes.

9 MR. MCCARTHER: One more thing. Because the  
10 defendant pled to an information, the United States needs to  
11 move to dismiss the original indictment against Mr. Ryals.

12 THE COURT: All right. Then I will admit -- I'll do  
13 it by written order, but I'll dismiss -- let me -- I don't seem  
14 to have it in front me, but I will go ahead and dismiss the  
15 other counts.

16 MR. MCCARTHER: Thank you, Your Honor.

17 THE COURT: All right. Parties are excused.

18 (Proceedings were concluded at 12:37 p.m.)  
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CERTIFICATE OF STENOGRAPHIC OFFICIAL COURT REPORTER

I, Nancy J. Meyer, Registered Diplomate Reporter,  
Certified Realtime Reporter, do hereby certify that the above  
and foregoing constitutes a true and accurate transcript of my  
stenograph notes and is a full, true, and complete transcript  
of the proceedings to the best of my ability.

Dated this 29th day of November, 2022.

/s/ Nancy J. Meyer  
Nancy J. Meyer  
Official Court Reporter  
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Certified Realtime Reporter  
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